

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48325-2023
Date of Decision:09.11.2023

Pardeep Kumar @ Kaku

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.122 dated 29.12.2022 registered under Sections 21, 29, 31 of NDPS Act, at Police Station Sadar Nawanshahar, District Shaheed Bhagat Singh Nagar.

2. As per the case of the prosecution, the police had arrested Satinder Kumar @ Sonu and Prince, on the basis of a secret information and 1 kg of heroin was recovered from them.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been nominated as an accused only on the basis of suspicion. As per him, during the course of investigation, Satinder Kumar @ Sonu and Prince had allegedly suffered disclosure statements in police custody and on the basis of the said evidence, the petitioner was arrayed as an accused in the present case as well. He further contends that after recording the statements of the co-accused, the police had raided a flat, which was allegedly

taken on rent by the petitioner and Satinder Singh and a recovery of Rs.7,51,500/- was planted by the police. Learned counsel further contends that the petitioner was arrested in the present case on 29.06.2023 and is in custody since then.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that one more case under NDPS Act has been registered against the present petitioner. However, he admits that the petitioner is on bail in the said case. Learned State counsel also admits that no contraband has been recovered from the possession of the present petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, only a sum of Rs.7,51,500/- was recovered from a flat, which was allegedly taken on rent by the petitioner and Satinder Singh and no contraband was recovered from the possession of the petitioner. The petitioner was arrested in the present case on 29.06.2023 and is in custody for the last more than four months. Apart from that, he is on bail in another case registered against him.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner gets involvement in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

09.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No